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The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

**DEPARTMENT OF LABOR
AND INDUSTRIES**

FOR THE

YEAR ENDING NOVEMBER 30, 1923



DEPARTMENT OF LABOR AND INDUSTRIES.

OFFICIALS.

E. LEROY SWEETSER, EVERETT, *Commissioner*.
 ETHEL M. JOHNSON, BOSTON, *Assistant Commissioner*.
 EDWARD FISHER, LOWELL, *Associate Commissioner*.
 HERBERT P. WASGATT, WABAN, *Associate Commissioner*.
 SAMUEL ROSS, NEW BEDFORD, *Associate Commissioner*.

HEADS OF DIVISIONS AND BRANCHES.

Board of Conciliation and Arbitration.

EDWARD FISHER. HERBERT P. WASGATT. SAMUEL ROSS.

Division of Minimum Wage. ETHEL M. JOHNSON, *Acting Director*.

EDWARD FISHER. HERBERT P. WASGATT. SAMUEL ROSS.

Division of Statistics. ROSWELL F. PHELPS, *Director*.

MARGARET SHEA, *Statistician for Manufactures*.

LESTER E. ARCHIBALD, *Statistician for Labor*.

Division of Industrial Safety. JOHN P. MEADE, *Director*.

JOSEPH MONETTE, *Counsel*.

Division of Standards. FRANCIS MEREDITH, *Director of Standards*.

PUBLIC EMPLOYMENT OFFICES.

Boston. HARRY G. DUNDERDALE, *Superintendent*.

Springfield. CHESTER A. ALLEN, *Superintendent*.

Worcester. WILLIAM A. WILDER, *Superintendent*.

Federal Director of Employment Service. E. LEROY SWEETSER, *Commissioner*.

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REPORT OF THE COMMISSIONER OF LABOR AND INDUSTRIES.

To the General Court.

The Annual Report of the Commissioner of Labor and Industries for the year ending November 30, 1923, is herewith submitted.

Administration. — There has been no change in the personnel of the Commissioners or Directors of the several divisions within the Department which remain as originally organized and consist of the Division of Industrial Safety, the Board of Conciliation and Arbitration, the Division of Minimum Wage, the Division of Standards and the Division of Statistics. A brief report of the work of each division is submitted.

The Commissioner by virtue of his office is a member of the Commission on Foreign and Domestic Commerce, Chairman of the Soldiers and Sailors Commission and Federal Director of Massachusetts in the United States Employment Service. He also served on the Sectional Committee on Safety Code for Laundries under the auspices of the American Engineering Standards Committee, and is a director of the Massachusetts Safety Council.

Textile Investigation. — The report of the textile investigation authorized by Order of the Legislature has been forwarded to the Governor and Council, as directed. This report contains the result of the Department's investigation into the cotton industry in Massachusetts and the Southern states, and includes a comparison of wages, labor legislation, hours of labor, number of spindles, cost of production, cost of living and classes of goods manufactured.

Rules and Regulations. — Rules and Regulations for the Safeguarding of Power Press Tools went into effect February 1, 1923. The purpose of these rules is to afford protection to employees who may be exposed to accident hazard in the operation of power punch presses. The Department has met with good cooperation on the part of the employers using the safeguards recommended.

A Lighting Code for Factories, Workshops, Manufacturing, Mechanical and Mercantile establishments was adopted by the Department on March 21, 1923, to take effect on January 1, 1924. The purpose of the Code is to protect employees from accident and eye strain due to faulty lighting. The requirements specified represent the minimum standard to be maintained.

Accidents in Industry. — The work of safeguarding employees in industrial establishments is accomplished through the Division of Industrial Safety. Every employer is required by law to keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment and to make a written report thereof to the Department of Industrial Accidents within forty-eight hours after the occurrence. Through the cooperation of the Department of Industrial Accidents this Department obtains at once information of the accidents that occur. A special investigation is made of those cases where action may be necessary to prevent a recurrence, or where there is any indication of a violation of the law. There were investigated for this purpose 938 accidents during the year ending November 30, 1923. The number of injuries of all kinds reported to the Department of Industrial Accidents increased from 139,611 in 1922 to 176,588 in 1923, of which 330 were fatal; an increase of 24 over the previous year. The cost to the employee from loss of pay and expense incurred, as well as the cost to the employer of insurance and loss of production, to say nothing of the human suffering involved, makes it important that every effort should be made to lessen the number of accidents. There were issued 5,152 safety orders throughout the Commonwealth during the year as a result of investigations and reports of the inspectors in their regular work.

Inspections. — Regular inspections of all places of employment are made to ascertain if the laws which the Department is charged with enforcing are complied with, and to enforce the rules and regulations adopted by the Department which concern the safety and health of employees. There were inspected during the year 42,110 establishments employing 880,000 men, women and children. There were 19,223 orders issued, only 850 of which are outstanding at the close of the year, the smallest number since the Department was organized. The reason these

are outstanding is due to the time required to make the adjustments involved. There were 1,921 complaints of violation of the law received, every one of which has been investigated, and action taken when necessary. Under the non-payment of wages law, the Department has collected in small amounts and paid to employees the sum of \$16,544.50.

Labor Troubles. — The work of the Board of Conciliation and Arbitration increases each year not only in value but in importance. There were reported during the year 143 strikes and lockouts. The Board was in close touch with all of these and was instrumental in adjusting most of them. The work of investigation and conciliation in connection with threatened labor controversies has prevented strikes in many instances. Besides this the Board has heard and rendered a decision in 442 cases which have been submitted to it for arbitration.

Minimum Wage. — The Minimum Wage Commission, in connection with its inspection work, has published this year through the press, the names of non-complying firms under five wage decrees. This is the second year that such action has been taken. Court proceedings were instituted by the Department on the refusal of a newspaper to publish the Commission's notice of a non-complying firm. This case is pending before the Supreme Judicial Court of Massachusetts. The issue involved is the constitutionality of that provision of the minimum wage law requiring newspapers to publish at their regular rates the findings, decrees or notices of the Minimum Wage Commission.

The special commission appointed by the Legislature in 1922 to investigate problems of minimum wage and unemployment and to consider the bills dealing with these subjects, including the Department's recommendation to make the minimum wage law mandatory, reported in February, 1923. The Commission stated that in its opinion, owing to industrial conditions, the minimum wage law has not had a fair trial; and recommended that the law be continued in its present form until such time has elapsed as will demonstrate whether or not the legislation has justified its mission. A minority report recommending that the law be made mandatory was also filed.

Employment. — Considering the year 1923 as a whole, conditions in the labor market were better than in 1922. The latter part of the year 1922 was a period of increasing production in the manufacturing industries, and the number of persons employed in manufacturing in this state continued to increase during the first three months of 1923; but beginning in April and continuing through September the trend of employment was downward. An improvement was noted in October, but in November and December the trend of employment was again downward. At the close of the year the number of persons employed in manufacturing establishments in the state was only 1.4 percent greater than the average number employed in the manufacturing industries in the state in 1914.

If due allowance were made for normal progress, it would appear that the manufacturing industries of the state at the close of 1923, while employing a slightly larger number of wage earners than in 1914, were nevertheless not showing on their pay rolls the full number of employees which the reasonable rate of increase during the period 1914 to 1923 would call for. It may be concluded, therefore, as far as manufacturing is concerned, employment was from eight to ten percent below what it should have been at the close of December. The number of persons reported placed during the past year from the four public employment offices conducted by the Department is 40,044 which is a slight increase over the previous year. The average cost was \$1.55 per known placement.

Clinical Thermometers. — Attention is called to the work of testing clinical thermometers conducted by the Division of Standards. In this most important work 12,526 thermometers were tested; 9,848 were found correct and 2,487 were rejected. Among those tested were 3,090 of foreign make, mostly from Germany, of which 1,596 were found incorrect and were consequently seized and condemned.

Appropriation. — The total sum appropriated for the use of the Department for the year ending November 30, 1923, was \$374,480. Of this sum \$325,473.43 has been expended, leaving a balance of \$49,006.57. A large part of this surplus, or \$23,499.69, is the unexpended balance appropriated for the survey of lumber, which appropriation it is always difficult to estimate. It is intended that the service of lumber survey shall be self-supporting and no actual cost to the Com-

monwealth. There has been collected in fees and paid into the treasury of the Commonwealth by the Division of Standards the sum of \$72,970.04. This amount deducted from the total expenditures makes the net cost of the Department to the Commonwealth \$252,503.39 for the year 1923, which is \$5,269.16 less than the actual cost in 1922. Besides the above amount there has been collected by the same Division and paid into the treasuries of the cities, towns, and counties of the Commonwealth, as required by law, the sum of \$23,440. The total amount requested for the Department in the budget for 1924 is \$372,725.

E. LEROY SWEETSER,
Commissioner of Labor and Industries.

FINANCIAL STATEMENT FOR 1923.

GENERAL.

ACCOUNT.	Appropriations.	Expenditures.	Unexpended Balance.
Officials	\$20,500	\$20,500 00	-
Personal services	268,730	237,738 74	\$30,991 26
Contingent and travel	82,000	66,839 15	15,160 85
Wage Boards	3,250	395 54	2,854 46
Totals	\$374,480	\$325,473 43	\$49,006 57
Collected in fees and paid into the treasury of the Commonwealth			\$72,970 04
Collected in fees and paid into treasuries of cities, towns and counties of the Commonwealth			23,440 00

BY DIVISIONS.

	1923 Appropriations.	Expenditures.	Unexpended Balance.	1924 Estimated Expenditures.
<i>Administration.</i>				
Commissioner, assistant commissioner, associate commissioners (personal services)	\$20,500 00	\$20,500 00	-	\$20,500 00
Clerical and other assistance to administration	4,680 00	4,680 00	-	4,740 00
<i>Division of Industrial Safety.</i>				
Personal services	103,600 00	100,390 84	\$3,209 16	\$104,720 00
Expenses	13,500 00	9,986 57	3,513 43	13,500 00
Travel	15,000 00	13,163 16	1,836 84	15,000 00
<i>Board of Conciliation and Arbitration.</i>				
Personal services	16,000 00	14,355 00	1,645 00	16,000 00
Expenses	5,500 00	4,580 32	919 68	5,000 00
<i>Division of Minimum Wage.</i>				
Personal services	12,000 00	9,894 60	2,105 40	11,700 00
Expenses	3,000 00	2,421 57 ¹	578 43	3,000 00
<i>Wage Boards.</i>				
Personal services and expenses	3,250 00	395 54	2,854 46	2,300 00
<i>Division of Standards.</i>				
Personal services	22,650 00	21,483 67	1,166 33	23,990 00
Expenses	11,825 00	10,651 46	1,173 54	9,800 00
<i>Survey of Lumber.</i>				
Personal services	26,200 00	5,791 04	20,408 96	26,200 00
Expenses	3,575 00	484 27	3,090 73	3,675 00
<i>Division of Statistics.</i>				
Personal services	36,600 00	35,341 75	1,258 25	36,600 00
Expenses	13,000 00	9,695 12 ²	3,304 88	13,000 00
<i>Public Employment Offices.</i>				
Personal services	47,000 00	45,801 84	1,198 16	48,000 00
Expenses	16,600 00	15,856 68 ³	743 32	15,000 00
Totals	\$374,480 00	\$325,473 43	\$49,006 57	\$372,725 00

¹ Not including outstanding bills estimated at \$100 00

² Not including outstanding bills estimated at 2,603 73

³ Not including outstanding bills estimated at 301 00

Total \$3,004 73

REPORT OF THE DIVISION OF INDUSTRIAL SAFETY.

JOHN P. MEADE, *Director.*

INSPECTION WORK.

The Division of Industrial Safety has charge of the inspection force which investigates conditions of employment affecting the health and safety of employees, and inspects to enforce the general labor laws and to determine compliance with the rules and regulations adopted by the Department. The Commonwealth is divided into 34 districts varying in size according to the population and number of establishments. An inspector is assigned to each district. He makes a systematic inspection of all places of employment in his district. There are now 36 inspectors; four of these are building inspectors, the remainder, industrial inspectors. Six of the industrial inspectors are women.

More than 61,000 inspections and reinspections were made during the year. This number includes 42,110 mercantile, mechanical and manufacturing establishments in which over 880,000 men, women and minors were employed. Of these employees 589,000 were males, 48,025 of whom were between the ages of 16 and 21 and 12,655 of whom were between the ages of 14 and 16; 291,922 were females, 54,514 between 16 and 21 and 10,097 between 14 and 16 years. Inspections were made of 16,791 mechanical establishments, which is 3,000 more than the number of such inspections in 1922. During the year, 19,223 orders were issued. Compliance has been secured in 19,603 cases, including the cases outstanding from the previous year. There are 850 cases outstanding at the close of the present year.

Summary.

The following statement indicates the activities of the inspection force for the year ending November 30, 1923.

Inspections.

Mercantile, 25,319; Mechanical, 16,791; Building Operations, 3,873. Total, 45,983. Re-inspections, 15,761.

Investigations.

Complaint, 1,725; Accident, 993; Occupational Disease, 90; Homework, 929. Total, 3,737. Total inspections and investigations, 49,720.

Orders Issued.

Labor. — Employment of women and minors, 2,240; Posting time notices, 2,999; Minors in prohibited trades, 119; Procuring and returning certificates, 4,932. Total, 10,290.

Health. — Sunday work, one day's rest in seven, 173; Ventilation, humidity, dust removal, drinking water, 204; Lighting, injury to eyes, 91; Toilet and washing facilities, 2,221; Medical chest, 947; Meal hours, seats, lockers, 97; Miscellaneous, 48. Total, 3,781.

Industrial Safety.

Communication with engine room, 41; Guarding machinery, 3,147; Building Operations, 1,811; Miscellaneous, 153. Total, 5,152. Written orders issued, 12,934. Verbal orders, 6,289. Total orders, 19,223. Orders complied with, 19,603.

Complaints.

Minors: Employed under 14 years of age, 42; Employed without certificates, 44; Employed in prohibited trades and on dangerous machinery, 13; Illegal public exhibition of children, 19; Health and sanitation (impure drinking water, failure to provide lockers, inadequate toilet facilities, no seats for women, inadequate or no blower system), 163.

Time notices: Not posted, 15.

Overtime employment: Women and minors, 336; Public works, 17. Nonpayment of wages, 1,040. Illegal advertising, 17. Unguarded machinery, 7. Build-

ing operations, 29. Labor, general (fines, holiday employment, weavers specifications), 179. Total, 1,921.

Licenses granted for homework, 846. Registration of Painters, 317. Wages paid by employers after complaint, \$16,544.50.

INDUSTRIAL SAFETY.

During the year 5,152 orders were issued to safeguard employees from accident hazards in the various industries of the Commonwealth. A number of orders were issued by the Department regarding working conditions in foundries. Aisles where molten metal is carried were in many instances widened to permit the safe passage of employees. A monthly report on the condition of chains, cables, ropes and slings used in foundries is now entered upon prescribed forms furnished by the department and kept on file at the foundries for examination by the inspectors.

Improvement of exhaust systems has been made where it has been found that existing equipment did not operate effectively. These orders required that means be provided for the removal of dust, smoke, steam and gas and for the protection of employees from flying pieces by screens or other effective devices.

Letters are frequently received from manufacturing concerns asking advice in the matter of safeguarding machinery. This practice has been encouraged and inspectors have been assigned to furnish the assistance required.

Building Operations.

The number of building inspectors in the department does not permit adequate enforcement of the rules and regulations to prevent accidents in the erection of new buildings. The character of injuries sustained by workmen engaged in the building trades emphasizes the need of frequent inspection of buildings in the course of erection or alteration. During the year 3,873 inspections of building operations were made and 1,811 orders were issued to correct the violation of rules and regulations. Inspection of painting operations showed in many instances that hazardous equipment was used. In such cases verbal orders were issued requiring immediate correction. There have been registered by the Department during the year, 317 firms engaged in the painting business.

Accident Prevention.

In connection with the accident prevention work 938 industrial accidents were investigated during the year. These included injuries which caused death or permanent partial disability, such as loss of limbs, hands or feet, fingers or toes, or eyesight.

Especial attention has been given to accidents of children 14 to 16 years of age. This work has accomplished much in securing compliance with the requirements of the certification law and in protecting children from exposure to hazardous conditions in employment. Orders were issued to 119 concerns prohibiting the employment of minors in occupations forbidden by statute, and 22 employers were prosecuted for this offence.

Reports of accidents in special cases have been utilized by continuation school teachers to demonstrate to pupils how accidents in industry may be prevented. Cooperation in this work by the continuation schools is doing much to instruct children regarding the hazards connected with their employment. In this way they are taught to avoid practices which experience has shown to be sources of injury.

Reported injuries to minors between 16 and 18 years of age, which suggested their possible illegal employment, were made the subject of inquiry.

Nearly all the severe accidents in the woodwork and metal trades were investigated. The inspectors have reported general compliance with the rules and regulations adopted by the Department concerning these trades.

Manufacturing and mechanical establishments, including textile and paper mills, rubber and shoe factories, printing and machine shops, foundries, laundries, and establishments of other types were visited for the purpose of determining the cause of accidents to employees. This work enabled the Department to give practical advice and assistance to employers interested in the reduction of accidents in their plants.

About 20 percent of the tabulatable accidents occurring in the industries of the state are occasioned by contact with machinery. Very few cases in this group however can be traced to unguarded machines. The experience gained from the investigation of work accidents during the year indicates that if industry were free from machinery hazards accidents would still occur.

The Department has encouraged the organization of safety committees in large industrial plants. Inspectors attend the meetings of these committees and assist them with information and advice. This has come to be an integral part of the work done by the inspection staff.

Safeguarding Machinery by Manufacturers.

Wherever the inspectors find machinery, which in their opinion should be provided with guards during the process of construction, they make such report to the Department. When it has appeared that hazards could be reduced by changes in the construction, recommendation to that effect has been made to the manufacturer of the machinery. Cooperation has been secured from the manufacturers in carrying out these recommendations. In a number of instances they have agreed to equip machines with safety devices before putting them on the market.

EMPLOYMENT OF WOMEN AND MINORS.

Inspections made in 42,110 establishments resulted in the issue of 10,290 orders dealing with the employment of women and minors. Of these orders 4,932 were requests to procure or return employment and educational certificates. Other orders required the posting of time notices, the filing of the shift lists, and the correction of irregularities in connection with the hours of labor. Night inspections have been made of establishments in which production increased on the approach of the holiday season.

Several of these firms were prosecuted for violation of the forty-eight hour law. The employment of women in more than one place may mean that they work more than nine hours in one day and more than forty-eight hours in one week. For the first time the courts in this Commonwealth have been called upon to determine whether the first or second employer in such case should be held responsible for the violation of this law. In this case women worked for the first employer for nine hours a day, with a total of forty-eight hours for the week. Some of the same women worked two or three hours each evening in another establishment, making a total of more than nine hours a day and more than forty-eight hours for the week in the two places. Time notices were posted correctly and women were not employed at a time other than stated thereon. The Court held that the second employer was guilty and imposed a fine. The case was taken to the Superior Court and the judge instructed the jury to bring in a verdict of guilty against the second employer.

Violation of child labor laws have occurred in connection with chain stores. The "cash and carry" system, which is customary with these establishments, has brought about the illegal employment of small boys who carry home the purchases made by customers. Boys are frequently found employed illegally at beach resorts by amusement companies. In one of these places, a boy, while employed at night oiling machinery, had his arm caught in the gears, necessitating amputation at the elbow.

INDUSTRIAL HEALTH.

During the year 3,781 industrial health orders were issued. Of this number 204 concerned ventilation, humidity, removal of dust and the providing of fresh and pure drinking water; and 947 required installation of equipment for the care of employees injured or taken ill in industrial establishments. Inspections have been made in manufacturing and mechanical establishments to ascertain if first aid or emergency rooms have been provided and properly equipped. A record of accident and sickness cases treated at the first aid rooms in these establishments has proved of great value in locating industrial hazards in the plant.

Lead Poisoning.

Lead poisoning is the most common occupational disease. It is frequently found in establishments manufacturing rubber, where there is used for dissolving crude rubber, such ingredients as red oxide of iron, zinc oxide, lithophone, red oxide of lead, litharge, barytes, aluminum, silicate and sulphur.

Workmen are often exposed to the dust particles arising from the assembling of these materials, even when they are provided with gloves and respirators to prevent absorption and inhalation of poison substances. Workmen employed in operating lead furnaces, in plumbing, in painting structural iron, in monotype setting, and in applying the priming coat on automobiles are exposed to lead poisoning.

During the last 12 months 85 cases of lead poisoning were reported to the Department. Of this number 43 occurred in the house-painting business, and 21 among employees in rubber manufacturing establishments. Other trades in which workmen developed lead poisoning were, nickel plating, dye works, lead manufacturing and the metal trades.

Anthrax.

There were two cases of anthrax reported, the same number as in the previous year. In the plants where this disease has appeared in former years, preventive work has been continued. Tanneries were inspected and attention given to the sanitation. In these places employees were required to change their clothing and use separate lockers and other receptacles. Properly equipped first aid rooms assist in preventing anthrax.

Gas and Fume Poisoning.

During the year 25 cases of gas and fume poisoning were investigated. Seven of these cases were occasioned by carbon monoxide gas. In four instances the men poisoned were engaged in splicing cables in manholes. Other cases were found in paper mills, tanneries, cotton mills, shoe factories, dye houses, brass foundries and rubber factories. Local exhaust systems are required in plants where poisoning is due to inhaling irritant or poisonous dust fumes or gases. Attention is given to general conditions in the ventilation and sanitation of plants where workmen are exposed to these hazards.

Other Occupational Diseases.

Other industrial diseases investigated include poisoning from nitric acid, chrome, arsenic, analine, and benzol. Twenty-three cases of dermatitis required inspection of bake shops, tanneries, candy factories, and shoe dressing establishments.

EMPLOYMENT ON PUBLIC WORKS.

During the year 17 complaints were made to the Department alleging violation of the eight hour law in the construction of public works. Nearly all of these complaints were against contractors engaged in building new roads on main arteries of travel. Investigation in many of the cases showed that there existed danger to property, life, public safety, or public health. Under these conditions it is lawful to work more than eight hours per day. When it was found that an extraordinary emergency did not exist, compliance with the eight hour law was enforced.

There were four complaints alleging violating of the citizens' preference act. In each instance the law was promptly complied with when the requirements were made known to the municipal authorities or to the contractors engaged in their service. There was only one complaint alleging failure to pay the prevailing rate of wages in the construction of public works. In this case the contractor paid the existing rates without formal determination by the Department.

WEEKLY PAYMENT OF WAGES.

Alleged violation of the weekly payment law brought 1,040 complainants to the department. There were \$16,544.50 in wages paid by employers to their workmen after complaint had been filed. The branch offices of the Department have as-

sisted in this work. The amounts involved in the non-payment cases are generally not large and it is therefore unprofitable for the wage earner to secure the services of a lawyer. The Legislature in 1923 extended the weekly payment law to cover several new lines of employment. The statute now includes, in addition to those previously covered, janitors, porters, watchmen, and employees of theatres, motion picture houses and dance halls.

HOMEWORK.

There were 846 licenses issued during the year for making, altering, repairing or finishing wearing apparel in an apartment, tenement or dwelling house.

In connection with this work 929 applications were investigated. Of this number 17 were denied because in the opinion of the Department unsanitary conditions existed. In two cases licenses were denied because it was found that children under 16 years of age were to be employed after six o'clock at night. In several instances applications were denied because it was learned that licenses had been granted to another member of the family. That the number of licenses issued was the smallest for many years is due in a large measure to the cooperation from the firms engaged in giving out homework. No application was considered unless written assurance was given by the employer that work would be supplied.

COUNSEL'S OFFICE.

Of a total of 418 prosecutions, 156 have been for non-payment of wages. In practically all such cases when the wages were finally paid by the defendant, no penalty was imposed and the case was placed on file. Otherwise civil action would have been necessary to collect the wages due. In many other cases, when the office was satisfied that the violation was not intentional and the defendant showed a disposition to comply with the laws, pleas of nolo and similar dispositions have been recommended. In cases however, involving the employment of minors in prohibited trades or on dangerous machinery, especially when such employment caused serious injuries, the Department insisted upon substantial punishment.

A summary of the prosecutions during the year follows:

Prosecutions, 418.

Verdicts: Guilty, 321; Nol Pros, none; Nolo, 40; Dismissed, 45; Not Guilty, 12.

Character of Offence: Minors — Employed under 14 years of age, 16; Employed without certificates, 71; Employed in prohibited trades and on dangerous machinery, 22; Illegal public exhibition of children, 6.

Health and sanitation (impure drinking water, failure to provide lockers, inadequate toilet facilities, no seats for women, inadequate or no blower system), 6.

Time notices: Not posted, 22; Improperly posted, none; At time other than stated, 27.

Overtime: Women and minors, 86; Public works, none; Nonpayment of wages, 156; Illegal advertising, 2; Unguarded machinery, 9; Building operations, 3; Labor, general (fines, holiday employment, weavers' specifications), 1.

APPROPRIATION.

The Legislature of 1923 authorized an appropriation of \$132,100.

The estimate for the ensuing year is \$133,220. The general expenses of the Department, including travel and other expenses of the commissioners are provided for in the estimates of this Division.

FINANCIAL STATEMENT.

	Appropriations, 1923.	Expenditures.	Unexpended Balance.	Estimated Expenditures, 1924.
Salaries	\$103,600	\$100,390 84	\$3,209 16	\$104,720 00
Expenses	13,500	9,986 57	3,513 43	13,500 00
Travel	15,000	13,163 16	1,836 84	15,000 00
	<hr/>	<hr/>	<hr/>	<hr/>
	\$132,100	\$123,540 57	\$8,559 43	\$133,220 00

REPORT OF THE BOARD OF CONCILIATION AND ARBITRATION.

EDWARD FISHER, *Chairman*, HERBERT P. WASGATT, SAMUEL ROSS.

At the beginning of the year there were 41 joint applications for arbitration pending; during the year 527 joint applications were filed, making a total of 568. Five normality petitions were filed and five certificates were granted. Of the arbitration cases, 115 were settled, abandoned or withdrawn, 442 decisions were rendered and 11 are pending. Three petitions were also filed, requesting in two instances the removal of veterans in the public service and in one instance the abolition of the positions held by four veterans.

CONCILIATION.

The Board has been actively engaged during the year in this branch of the service, its agent being repeatedly called upon to visit various sections of the Commonwealth. It has investigated and acted as conciliator in 52 cases, a large percentage of which have been adjusted. In all about 530 employers and 64,000 employees were involved. In addition the Board's services have been sought to aid in drafting agreements between employers and employees, under the terms of which provision was made for the avoidance of strikes and lockouts.

Of the many labor controversies which engaged the attention of the Board the following are among those which assumed the most serious magnitude: the strike of telephone operators, that of stationary firemen in the paper industry in Holyoke and the vicinity, and that of the boot and shoe workers in Brockton and the vicinity. A brief statement of these controversies follows.

Telephone Strike. — In the spring the telephone operators in the employ of the New England Telephone & Telegraph Company presented demands through the New England Council of the Telephone Operators' Union for an increase in wages, a reclassification of rates, and also a reduction in the working hours. After several conferences with representatives of the employees the company declined to grant these demands.

Although there was some dissension among the employees, not all joining in these demands, nevertheless when a ballot was taken the vote was in favor of a strike to enforce them. The strike began on June 26, previous to which the Board tendered its good offices to both parties and endeavored to find a basis of adjusting the differences, but it was apparent that unless one or both parties to the controversy was willing to recede from the respective position taken, an adjustment at that time was improbable.

At the time of the strike there were about 12,000 operators employed by this company, and of this number about 4,000 ceased work. In some exchanges there was no cessation of work and, therefore, no interruption of service except on toll lines; in others, the service was somewhat affected; and in still others the service was very seriously affected. The Board continued in its efforts to find a solution of this problem and met with some unusual difficulties by reason of the fact that the strike, being general, extended into other states. On July 14 the Board conferred with a committee of the employees and recommended that the strike be declared off, with the understanding that the Board would use its good offices to procure the reinstatement of as many as possible of the former employees and would take up with the company any grievance or complaint which might later arise. The committee at that time declined to accept the recommendation, but took it under consideration and on July 25 accepted. A number of operators were reinstated at once and a substantial number have since been reinstated. The Board, in accordance with this understanding, has been using, and is continuing to use, its good offices with the company in the matter of reinstatement of employees as opportunity affords, and to adjust such other complaints and grievances as are brought to its attention.

Firemen, Holyoke and the Vicinity. — On July 17 the stationary firemen employed by paper manufacturers in Holyoke and the vicinity struck to enforce their demands for an increase in wages, payment for overtime work on Sunday and to

retain the payment for overtime work on holidays. About 128 firemen were involved. The strike ultimately resulted in the cessation from work of approximately 5,500 employees in this industry.

Upon learning of the controversy the Board immediately communicated with the parties and, through its agent, made an investigation for the purpose of ascertaining the merits of the dispute and endeavored to adjust the difficulty. Numerous conferences were held with the parties and many suggestions of adjustment discussed. Finally under date of September 3 it was agreed by the parties that the firemen should return to work and the differences would be submitted to the agent of the Board as arbitrator. On September 4 the men returned to work. Later the agent of the Board, acting as arbitrator, rendered a decision after hearing the parties.

Shoe Workers, Brockton and the Vicinity. — For many years, under an agreement between the Boot and Shoe Workers' Union and employers with whom they had industrial relations, all differences which the parties to this agreement were unable to adjust must be arbitrated before this Board. These differences involved mainly questions of wages. During this period the manufacturers and employees in Brockton and the vicinity have been working under this agreement.

Under date of May 10 an award was made by this Board, granting a revision of prices in the department of the dressers and packers, by which some items were increased and no change made in others. The local union with which these employees were connected declined to abide by the decision of the Board and in mass meeting, four days later, decided to go on strike in violation of their agreement. Immediately the charter of this local was revoked by the general officers of the Boot and Shoe Workers' Union.

Two other locals, the heelers and treers, within a few days afterwards also repudiated the agreement and voted to leave their work. Other groups of shoe workers held unauthorized meetings and decided to go out in sympathy. For a period of about ten weeks production was suspended in some plants, although maintained in others below the normal output. Several thousand employees were thereby thrown out of work.

The active group leading the strike formed an independent organization under the name of the Brockton District Shoe Workers' Union. Overtures were made by this group to the employers and a basis of settlement offered, but the manufacturers declined to recognize them, publicly affirming that they would abide by their existing agreement with the Boot and Shoe Workers' Union. At a mass meeting held by this independent organization on July 31, it was voted to declare the strike off and return to work.

ARBITRATION.

The Board during the year rendered decisions upon 442 applications for arbitration, including the 41 applications which were pending at the beginning of the year. Although differences to be arbitrated are presented to the Board under a joint application, the law recognizes under certain conditions the right of either party to a controversy to make application to the Board for a hearing and for advice as to what ought to be done in order to adjust the controversy and also for a written decision. The following matter was presented to the Board for its action under this provision of the law.

The Middlesex & Boston Street Railway Company and Employees. — A controversy arose between employees, members of the Amalgamated Association of Street and Electric Railway Employees of America, and their employer, the Middlesex & Boston Street Railway Company, relative to the reinstatement of one of their members discharged by the company. The employees on March 10 filed an application with the Board requesting in substance that the Board hear the parties and determine what ought to be done or submitted to by either or both to adjust the controversy and also that the Board give a written decision.

On March 30 the Board held a hearing at which both parties were represented. It appeared that under the agreement in effect this difference was one to be submitted to a special board of arbitration; that after the discharge of the employee in question, a special board was established for this purpose, but a dispute arose

as to the specific issues to be arbitrated. The employee in question was the operator of a car which caused a rear-end collision. The company contended that under the agreement the only issue to be arbitrated was whether or not the employee in question was responsible for this collision; and that if he was responsible, under the rules of the company, his discharge would follow. The employees contended that they were entitled to arbitrate not only the question of whether or not he was responsible for the accident, but also as to the penalty, if any, he should incur if found to be responsible.

At the hearing the representative of the company contended that the Board had no jurisdiction, the law specifically providing that the Board could act where the controversy was one "not involving questions which may be the subject of an action at law or suit in equity." He contended that the issue presented was one of construction of agreement and, therefore, was a controversy involving a question which might be the subject of an action at law or suit in equity and was for the courts to determine. The Board took the matter under consideration and later requested the opinion of the attorney-general on this question and on May 19 received an opinion that the Board had no jurisdiction. The last paragraph of the opinion is as follows:

"I am therefore of the opinion that the controversy involves a question 'which may be the subject of an action at law or suit in equity,' and that you have no jurisdiction to take any action with respect to the rule itself against the will of the company."

The Board immediately called the parties into conference and informed them of the opinion. Later a strike vote was taken by the employees. The Board was prepared to take this matter up further under another provision of the law before a cessation of work occurred, but the employer brought a bill in equity to restrain the employees from striking in breach of their agreement. After a hearing the court dismissed the bill, thereby sustaining the position of the employees in regard to the construction of the agreement. Later the matter was arbitrated before a special board.

REMOVAL OF VETERANS.

The Board has been called upon during the year to take action under Section 26 of Chapter 31 of the General Laws, under the provisions of which no veteran holding office or employment in the public service of the Commonwealth shall be removed or suspended without his consent, except after a full hearing before this Board; and then only upon a written order by the Board. Three petitions were filed with the Board by three different departments of the Commonwealth. In two instances the petitions were withdrawn before a hearing, the matter having been adjusted by the parties; on the other petition a hearing was given, and after due consideration the Board issued a written order abolishing the positions of two of the employees in question.

A list of the industries in which joint applications for arbitration have been filed, with the issues arbitrated thereunder, and a list of industries investigated by the Board as a conciliator, with the matters in controversy, are herewith submitted.

LIST OF INDUSTRIES AFFECTED AND PRINCIPAL DIFFERENCES IN CONCILIATION AND ARBITRATION CASES.

Conciliation.

Industries Affected: Baking, Barber, Building, Candy, Cigar, Clothing, Electrical Supplies, Heating, Leather, Machinery, Metal, Milk, Paper, Razor, Retail Stores, Shoes, Telephone, Textile, Transportation.

Principal Differences: Wages, Conditions, Discharge.

Arbitration.

Industries Affected.

Laundry.
Shoes.

Issues Arbitrated.

Wages.
Wages.
Discharge.

FINANCIAL STATEMENT.*

	1923			1924
	Appropriations.	Expenditures.	Unexpended Balance.	Estimated Expenditures.
Personal services . . .	\$16,000 00	\$14,355 00	\$1,645 00	\$16,000 00
Expenses . . .	5,500 00	4,580 32	919 68	5,000 00
Totals . . .	\$21,500 00	\$18,935 32	\$2,564 68	\$21,000 00

REPORT OF THE MINIMUM WAGE COMMISSION.

EDWARD FISHER, *Chairman*, HERBERT P. WASGATT, SAMUEL ROSS.
 ETHEL M. JOHNSON, *Acting Director*.

SUMMARY OF WORK FOR 1923.

The principal work conducted during the year has been the inspection to determine compliance with wage decrees.

The Recess Commission on Unemployment and Minimum Wage, a part of whose duty was to investigate the operation of the law, recommended in its report to the Legislature this year that the law be given a further trial in its present form.

In connection with the Commission's efforts to secure compliance with minimum wage recommendations it has been necessary to publish non-compliances under five decrees this year. This is the second year that such action has been taken, the first publication of this nature appearing in 1921.

For the first time one of the newspapers to which an advertisement of a non-complying firm was sent refused to publish. Action was brought against the company publishing this paper. A verdict of guilty was rendered and fine imposed. Appeal was taken to the Supreme Judicial Court of Massachusetts. The issue involves the constitutionality of those sections of the law which compel newspapers to publish at their regular rates the Commission's notices, and which purport to exonerate the Commission and publishers and proprietors of newspapers for liability for such publication. This question was not covered in the opinion of the court given in September, 1918 in the case *Holcombe vs. Creamer*.

OUTLINE OF ACTIVITIES.

The work of the Commission is represented by investigating wages of women employees, establishing wage boards, conducting public hearings on the determinations of these boards, entering minimum wage decrees, inspecting to determine compliance with the decrees, and publishing a report of the findings.

Publications. — The publications issued are the annual report and the statements and decrees. These include for the present year: —

Report of the Minimum Wage Commission for the year ending November 30, 1922.

Statement and Decrees of the determinations entered during the year by two wage boards.

Wage Boards. — Two wage boards have been in session during the year. These are: The Brush Wage Board. The Druggists' Preparations Wage Board.

Hearings. — Public hearings on the determinations of the wage boards have been held as provided by law: — On January 9, 1923 — on the determinations of the Brush Wage Board. On September 25, 1923 — on the determinations of the Druggists' Preparations Wage Board.

Decrees. — Decrees have been entered by the Commission fixing minimum rates for women and girls in the following industries: For Brush Factories, For Druggists' Preparations establishments.

Inspections. — Inspections to determine compliance with the Commission's recommendations have been made under the decrees listed below.

Occupations Covered. — Laundries,¹ Muslin Underwear factories,¹ Paper Box

¹ Inspection started in 1922.

factories,¹ Retail Stores,¹ Women's Clothing factories,¹ Brush Factories, Candy factories,² Canning and Preserving establishments, Corset factories, Retail Millinery establishments,² Minor Lines of Confectionery and Food Preparations establishments.

Enforcement of Decrees. — Compliance with the Commission's recommendations has been secured in all but five of the decrees under which inspection was completed this year. There were still outstanding at the beginning of the year non-compliances in one office building estate which was advertised in 1921. In accordance with the provisions of the law which requires the Commission to publish the names of firms that refuse to comply with its decrees, the Commission has this year advertised one women's clothing establishment, one muslin underwear establishment, three paper box factories, 22 laundries, and 53 retail firms representing with their branches, 128 stores in 51 cities and towns throughout the State.

INVESTIGATIONS.

A study of the wages of women employed in the preparation of bread and other bakery products has been conducted by the Commission. A study dealing with the wages of women in the jewelry industry has been started. This investigation is still in progress at the close of the period covered by the present report.

RESULT OF WAGE BOARD WORK.

The work of the two wage boards which sat during the year is summarized below: —

Brush Wage Board. — The wage board for the brush occupation was formed November 14th, 1922. It was the third board for the occupation and the second established in 1922, the recommendations of the previous board having been disapproved by the Commission.

The board held five meetings and on December 20th, 1922 submitted a unanimous report. In its report the board estimated the minimum necessary for a woman employee to meet the cost of living as \$13.92 a week and recommended a minimum rate to correspond.

Following are the determinations of the board in detail as to the minimum rate of wages for female employees of ordinary ability in the brush making occupation in this State: —

1. For experienced employees, not less than \$13.92 for a week of forty-eight hours.

2. For learners and apprentices as follows: —

(a) For the first six months — not less than \$9.60 for a week of forty-eight hours.

(b) For the second six months — not less than \$12.00 for a week of forty-eight hours.

3. For all others, not less than \$13.92 for a week of forty-eight hours.

4. An employee shall be deemed "experienced" and of ordinary ability who shall have served an apprenticeship of one year in the industry in accordance with the conditions as set forth in item 2.

5. All rates are based on "full-time" work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

6. These recommendations shall take effect on or about March 1, 1923.

The Commission provisionally approved these determinations and held a public hearing thereon, January 9, 1923. The Commission, after considering the matter, thereafter approved finally the determinations of the board and entered a decree effective March 1, 1923 to supersede the determinations entered August 15, 1914.

Druggists' Preparations Wage Board. — Following an investigation of the wages of women employed in the manufacture of druggists' preparations, proprietary medicines and chemical compounds, the Commission this year established a wage board for the occupation. The board held its first meeting on June 21st, 1923, and at its seventh meeting, July 27th, submitted a unanimous report of its determinations. These determinations were based on a minimum cost of living budget.

¹ Inspection started in 1922.

² Inspection in process.

of \$13.20, and provided a minimum rate of the same amount for experienced employees eighteen years of age or over.

Following are the determinations of the board in detail as to the minimum rate of wages for female employees in the occupation in this State:—

1. That the minimum rate for a female employee of ordinary ability should be not less than \$13.20 a week.

2. That an employee should be deemed of ordinary ability who has been employed for a year in the occupation, and has reached the age of eighteen years.

3. That beginners, irrespective of age, should receive not less than \$9.60 a week, and not less than \$10.60 after six months' experience.

4. That these determinations should become effective on or about January 1, 1924.

After provisionally approving this report and holding a public hearing thereon at which no one appeared in opposition, the Commission approved finally the determinations of the board, and entered a decree effective January 2, 1924.

ENFORCEMENT OF WAGE DECREES.

Inspections have been made this year under 11 decrees. These include the five decrees where the work was started in 1922; the new brush decree which went into effect this year; and five earlier decrees. The inspection under the candy occupation decree and the retail millinery decree is in process at the close of the period covered by this report. The inspection under the retail store decree, started in 1922, has been confined to cities and towns of 10,000 inhabitants and over. It is planned next year to conduct the work in the smaller towns. In addition to the inspection work, reinspection was made in firms under nine decrees where there were cases of non-compliance pending from the previous year.

There were outstanding at the beginning of the present year, 4,465 cases of non-compliance in 373 establishments. In the reinspection made to endeavor to adjust these cases, 828 new cases were found in 85 of these establishments. Of the original 4,465 cases, 1,977 were in the 114 firms which were advertised in 1921. The disposition of the remaining cases is shown in Table I, following.

Of the 828 new cases found at the time of reinspection, 624 were in 56 of the firms advertised. Wages were raised in 74 cases, representing 24 firms. In 34 cases, representing three other firms, the employees were earning the minimum on piece rates at subsequent inspection. In 67 cases, representing 17 firms, the employees left. There were 10 special license cases, or cases of similar type, in seven firms. In the nineteen cases remaining, representing seven firms, adjustment was reported before the close of the year.

During the regular inspection work for the year, wage records were secured for 18,373 women and girls in 910 establishments. In 659 establishments, representing 16,972 women employees, full compliance was found at the time of inspection. There are pending at the close of the year 18 cases in eight establishments. The disposition of the various cases under the different decrees is shown in the tabular summary of inspection for 1923, Table II following.

TABLE I. — *Disposition of Cases of Non-compliance pending from 1922 under Massachusetts Minimum Wage Decrees.*

[From reinspection records for 1923.]

[C=Cases; F=Firms.]

	CORSET.		LAUNDRY.		MEN'S FURNISHINGS.		MINOR CONFECTORY.		MUSLIN UNDERWEAR.		OFFICE CLEANERS.		PAPER BOX.		RETAIL STORES.		WOMEN'S CLOTHING.		TOTAL.	
	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.
Pending from 1922	29	1	790	51	143	12	3	1	141	29	113	1	121	26	3,037	236	88	16	4,465	373
Adjustment	29	1	790	51	143	12	3	1	141	29	113	1	121	26	3,037	236	88	16	4,465	373
Advertised in 1923	—	—	223	22	—	—	—	—	—	—	—	—	—	—	1,719	89	27 ¹	8	1,977	114
Left ²	—	—	387	45	37	7	—	—	35	12	—	—	—	17	765	100	17	8	1,268	189
Wages raised	—	—	145	32	22	7	3	1	49	17	—	—	19	12	433	114	22	12	693	195
Earning minimum on P. W.	—	—	5	—	61	5	—	—	20	4	—	—	45	12	—	—	9	1	140	26
Special license, Special license type or similar case	—	—	20	12	2	2	—	—	21	10	—	—	16	10	23	19	3	3	85	56
Firm moved or out of business	29	1	—	—	—	—	—	—	13	3	—	—	7	2	15	8	—	—	64	14
Incorrectly classified	—	—	—	—	—	—	—	—	—	—	—	—	—	—	20	10	10	1	30	11
Covered by piece rate ruling	—	—	—	—	17	2	—	—	—	—	—	—	2	2	—	—	—	—	19	4
Change of work enabling employee to earn minimum	—	—	—	—	4	2	—	—	—	—	—	—	—	—	7	7	—	—	11	9
Hours reduced to make rate comply with minimum	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	—	—	2	2
Discharged ³	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	3	—	—	3	3
Adjustment reported ⁴	—	—	10 ³	2	—	—	—	—	—	—	113 ⁴	1	—	—	50 ³	18	—	—	60 ³	20
Pending	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	113 ⁴	1

¹ These cases were adjusted later, 16 left; 6 wages raised; 3 special license type or similar cases, 2 covered by piece rate ruling.² Some of those reported as left, were probably discharged. This information was not, however, given to the inspector.³ In these 60 cases adjustment reported by firm. Agent has not revisited.⁴ All under one estate that was advertised in 1921.

TABLE II. — *Tabular Summary of Inspections for 1923 under Massachusetts Minimum Wage Decrees.*
 [C=Cases; F=Firms.]

	BRUSH.		CANDY.		CANNING AND PRE-SERVING.		CORSET.		LAUNDRY.		MINOR CONFEC-TIONERY.		MUSLIN UNDER-WEAR.		PAPER BOX.		RETAIL MILLINERY.		RETAIL STORES.		WOMEN'S CLOTH-ING.		TOTAL.	
	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.	C.	F.
Wage records secured	824	24	7,123	122	246	32	1,161	16	1,406	114	395	40	456	19	1,799	82	358	96	4,381	322	224	43	18,373	910
Number of cases of compliance	816	20	7,071	98	243	30	1,136	11	1,352	79	391	37	428	11	1,730	63	356	94	3,236	182	213	34	16,972	659
Number of cases of non-compliance	8	4	52	24	3	2	25	5	54	35	4	3	28	8	69	19	2	2	1,145	140	11	9	1,401	251
Adjustment ¹	8	4	37	13	3	2	24	4	46	34	2	2	28	8	68	19	2	2	1,027	139	11	9	1,257	241
Advised ²	2	1	5	2	—	—	2	1	6	6	—	—	6	2	14	5	—	—	368	33	—	—	1,377	34
Left ²	2	1	28	16	—	—	10	3	28	16	2	2	9	5	32	15	1	1	279	46	5	3	320	66
Wages raised	2	1	28	16	—	—	10	3	28	16	2	2	9	5	32	15	1	1	347	98	2	2	461	159
Special license, special li- cense type or similar case	2	1	3	3	1	1	—	—	8	6	—	—	5	3	10	6	1	1	13	10	2	2	45	33
Adjustment reported ²	1	1	—	—	—	—	10	1	8	1	—	—	—	—	2	1	—	—	118 ³	9	—	—	126 ³	10
Covered by piece rate ruling	—	—	—	—	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	15	4
Incorrectly classified	—	—	—	—	—	—	—	—	—	—	—	—	5	1	—	—	—	—	12	8	—	—	12	8
Out of business	—	—	—	—	—	—	—	—	2	1	—	—	—	—	—	—	—	—	—	—	2	1	9	3
Change of work enabling employee to earn mini- mum	—	—	—	—	—	—	2	1	—	—	—	—	3	1	—	—	—	—	2	2	—	—	7	4
Hours reduced to make rate comply with minimum	—	—	—	—	—	—	—	—	2	1	—	—	—	—	—	—	—	—	2	2	—	—	4	3
Discharged ²	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	2	—	—	4	2
Earning minimum on piece work	—	—	1	1	—	—	—	—	—	—	—	—	—	—	2	1	—	—	—	—	—	—	3	2
Pending	—	—	15	6	—	—	1	1	—	—	2	1	—	—	—	—	—	—	—	—	—	—	18	8

¹ Does not include cases adjusted before agent's visit.

² Some of those reported as left were probably discharged. This information was not, however, given to the inspector.

³ In these 126 cases adjustment reported by firm. Agent has not revisited.

APPROPRIATION.

The appropriation authorized for 1923 was \$18,250.00. Of this sum, \$12,781.98 has been expended, leaving a balance of \$5,468.02 which reverts to the State Treasury.

The estimate for 1924 is \$17,000.00. Detailed analysis of expenditures from the appropriation for 1923 and for the estimates for 1924 are given in the financial statement which follows:—

FINANCIAL STATEMENT.

	1923			1924
	Appropriations.	Expenditures.	Unexpended Balance.	Estimated Expenditures.
Division of Minimum Wage:				
Personal Services . . .	\$12,000 00	\$9,894 60	\$2,105 40	\$11,700 00
Expenses	3,000 00	2,421 57 ¹	578 43	3,000 00
	<hr/>	<hr/>	<hr/>	<hr/>
	\$15,000 00	\$12,316 17	\$2,683 83	\$14,700 00
Wage Boards:				
Personal Services and Expenses	3,250 00	395 54	2,854 46	2,300 00
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$18,250 00	\$12,711 71	\$5,538 29	\$17,000 00

REPORT OF THE DIVISION OF STANDARDS.

FRANCIS MEREDITH, *Director of Standards.*

SUMMARY.

During the year ending November 30, 1923, substantial progress has been made in the investigative and inspectional work of the inspectors in the field as well as in the office and laboratory activities of this Division. Opportunity for maximum and economical laboratory service is still limited by the lack of sufficient space, the work being thus necessarily performed at a disadvantage. In the last report attention was called to the statutory requirement for periodical testing, adjusting, and sealing or certification of the standard weights, measures and balances furnished by the Commonwealth to all cities and towns so as to maintain uniform standards throughout the state. The calibration of many of these standards is long overdue and the immediate necessity of additional laboratory space adjoining the present quarters cannot be too strongly emphasized. In spite of adverse conditions 12,526 clinical thermometers were tested in the laboratory during the year, as against 6,324 in the previous year, and additional space seems imperative in order to care properly for the natural increase in this work, fees for which are charged as provided by statute.

LEGISLATION ENACTED IN 1923.

The recommendation in the last report for a statutory enactment requiring that paper bags used in the sale of coal shall contain and shall be sold as containing twenty-five pounds met with general approval and resulted in the enactment of chapter 196, Acts of 1923. This statute tends to eliminate unfair competition as it requires sales to be made in uniform quantities and thus permits a comparison of relative values upon the basis of price and quality. A recommendation for the establishment of examination fees for measurers of leather met with some opposition and the accompanying bill was referred to the next annual session.

Other new legislation, the enforcement of which devolves upon the Director, the inspectors of standards and sealers of weights and measures, includes the following:

Chapter 32, Relative to the Annual Testing of Certain Weighing and Measuring Devices.—A strict construction of the former statute required a sealer to wait

¹ Not including outstanding bills estimated at \$100.

thirty days after issuing his annual sealing notice before visiting places of business for the purpose of testing and sealing weighing and measuring devices. The new enactment permits the sealer to make such tests at any time.

Chapter 102, Relating to Transient Vendors. — This act defines more explicitly the term “transient vendor” and limits the statutory exemptions, these changes being designed to facilitate a determination as to whether a license is required in a given case.

Chapter 154, Regulating the Conduct of Hawkers and Pedlers. — This was enacted upon petition of social welfare organizations in an effort to control street begging by those to whom other avenues of employment are open. It provides for the revocation by the Director of Standards of any license granted by him to a hawker or pedler upon satisfactory evidence that the licensee has begged or solicited alms or accepted money otherwise than through bona fide sales of merchandise.

Chapter 155, Relative to the Sale of Coal. — This statute imposes new duties upon the Director, inspectors of standards and sealers of weights and measures, but limits their authority in the enforcement of some of its provisions. The former statute is amended by the insertion of six new sections specifically covering the sale, exposing or offering for sale, or having custody or possession of coal which is unfit for ordinary use, with intent to sell the same. The new law also provides that “whoever, by himself, or by his servant, agent or employee, sells or delivers coal which is short in weight or measure or which contains an unreasonable amount of shale, slate, rock or other foreign substance, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.” It also amends the general “short weight or measure” law by inserting therein the words: — “except as otherwise provided by section two hundred and forty-eight” —, thus requiring that all future prosecutions for selling or delivering coal which is short in weight must be brought under the new law.

Upon careful analysis of the provisions of the new Chapter 155, it appears that sections 249A, 249C and 249D require proof that coal is “unfit for ordinary use” or that it has been condemned as such by the Department of Public Health or by a local board of health with the approval of that department. The authority of the Director and inspectors of standards and sealers of weights and measures is thus limited to the taking of samples of coal, any seizure, condemnation or prosecution under these sections being initiated by, or supported by evidence of the Department of Health or of a local board of health. On the other hand, it appears that the Director of Standards and other weights and measures officials have full authority to prosecute under sections 249B, 249E, or under section 248, as amended, for hindering, obstructing or interfering with them in the performance of duty; for placing or causing any foreign substance to be placed in a receptacle in which coal is placed or packed for sale; or for the sale or delivery of coal which is short in weight or which contains an unreasonable amount of foreign substance.

Chapter 196, Relative to the Sale of Coal in Paper Bags or Sacks and to the Sale of Coke and Charcoal. — This act requires that paper bags or sacks used in the sale of coal shall contain and shall be sold as containing twenty-five pounds, avoirdupois weight. This quantity was originally uniformly sold in paper bags, when this method of sale was first adopted, but, upon various pretexts, in the absence of legal regulation many dealers have reduced the weights from time to time until bags containing quantities varying from 12 lbs. to 25 lbs. were sold in various sections. Two years ago legal dimensions were established for paper bags or sacks used in the sale of coke, charcoal and kindling wood by measure, and the establishment of a uniform standard weight for coal sold in like containers marks a similar step in the line of progress.

Chapter 196 also legalizes sales of coke in any quantities, either by weight or by measure. Heretofore coke in quantities of more than 100 pounds was required to be sold only by weight. As coke is usually stored in the open, where it is exposed to all kinds of weather conditions, it has been apparent that a given volume of coke varied greatly in weight at different times owing to absorption or evaporation of moisture, and that sales upon the basis of volumetric measure would ordinarily be more equitable than sales by weight.

Chapter 285, Prohibiting the Peddling of Coal or Coke without License. — Under the provisions of section 17, chapter 101, General Laws, hawkers and peddlers were permitted to sell a number of commodities, including "fuel," without a license. Taking advantage of this exemption, a considerable number have engaged in peddling coal and coke in Boston and vicinity and a large proportion of the complaints received alleging short weight and other violations of law involved sales made by these unlicensed peddlers. Section 17 has now been amended so as to require peddlers of coal or coke to secure a hawkers' and peddlers' license. As these licenses are revocable upon conviction of the licensee of any crime which in the judgment of the Director warrants such revocation, it is presumed that the amended law will afford a better means of controlling sales of coal and coke by peddlers. These licenses are issued as provided by section 22, chapter 101, no provision being made for special licenses authorizing sales of coal and coke only.

344 licenses have already been issued to persons whose applications indicate that they intend to peddle coal, this number including 3 State, 336 City, 1 Town, and 4 Disabled Veterans' licenses.

DIVISION PUBLICATIONS.

During the year the following publications were issued by this Division: —

Bulletin No. 20, containing the complete text of new laws of special interest to weights and measures officials, with an analysis of their provisions and the changes made thereby in the General Laws, and much other matter in which such officials are interested;

Rules and regulations to be observed in the operation of leather-measuring machines propelled by power. — Issued by the Director of Standards under authority of Sec. 1, Chap. 503, Acts of 1913 (now Sec. 44, Chap. 98, General Laws);

Notices to be posted in retail stores calling attention to the statute requiring that fruits, nuts, vegetables and grain must be sold at retail by avoirdupois weight or numerical count;

Cards for housekeepers use containing abstract of weights and measures laws, brief reference tables of weights and measures and approximate weights of some common dry commodities;

Rules and regulations to be observed in the manufacture and sale of bread established by the Director of Standards under authority of Sec. 9, Chap. 94, General Laws, as amended by section 3, chapter 186, Acts of 1922;

Report of the Director of Standards for the year ending November 30, 1922;

Leaflet copies of amended statutes relating to hawkers and peddlers, to transient vendors, and to the sale of coal.

CLINICAL THERMOMETERS.

Not the least important of the duties imposed by statute upon the Director is that of safeguarding the health of the community by rigid supervision of the manufacture and sale of clinical thermometers used by physicians and nurses as a guide for the proper diagnosis and treatment of various diseases. The statute requires that all clinical thermometers offered for sale in the Commonwealth must have been tested and sealed or certified as correct by the Director unless they have been sealed by the manufacturer under authority of the Director. This authority is granted to a manufacturer only after he has demonstrated his ability to produce thermometers of superior quality having a high degree of precision and has filed a surety bond binding him to place the authorized seal-mark only upon such instruments as conform in all particulars with approved samples on file at this office.

In checking up thermometers during the past year 3,643 instruments bearing manufacturers' seals were tested in our laboratory and 441 of these were rejected. These tests resulted in the revocation of sealing authority previously granted to four thermometer manufacturers. Another manufacturer ceased to make thermometers and in that case the sealing authorization was recalled. Three additional manufacturers who had complied with all requirements were authorized to seal their products and a distinctive seal-mark was assigned to each.

During the year, 3,090 foreign thermometers, mostly of German origin, were tested and 1,596, or more than one-half of the total number, were condemned and

seized under statutory authority. There has been a continuance of cooperation with officials of the State of Connecticut, where a similar law is in effect. Many hospital authorities and others in states where no protective legislation has been enacted purchase only clinical thermometers which have been sealed or certified as correct under the provisions of the Massachusetts law.

LABORATORY WORK.

Following is a brief synopsis of laboratory activities during the year:

Calibration of Standards.

ARTICLE.	Adjusted.	Sealed.	Condemned.
Avoirdupois weights	77	102	2
Apothecary weights	2	118	—
Metric weights	2	158	—
Graduates	—	44	—
Liquid measures	—	7	—
Dry measures	—	7	—
Linear measures	—	1	—
Totals	81	437	2

Clinical Thermometers.

DESCRIPTION.	Number Tested.	Number Passed.	Number Rejected.	Per Cent Passed.
Massachusetts seal	3,643	3,202	441	87.89
Domestic unsealed	5,793	4,952	841	85.48
Foreign unsealed	3,090	1,494	1,596	48.35
Totals	12,526	9,648	2,878	73.91

Total number submitted, 12,686; broken when received, or before or during test, 162; total number tested, 12,526.

Cans, Cartons and Other Containers.

ARTICLE.	Tested.	Accurate.	Inaccurate.
Cartons used as liquid measures	152	138	14
Milk jars (glass)	43	41	2
Milk jars (paper)	12	12	—
Milk cans	22	15	7
Ice cream cans	4	4	—
Graduates	124	124	—
Totals	357	334	23

Miscellaneous.

ARTICLE.	Tested.	Accurate.	Inaccurate.
Berry baskets	26	22	4
Bottles	2	—	2
Measures, liquid	201	199	2
Weights, apothecary	30	30	—
Weights, metric	24	24	—
Scales	6	5	1
Sphygmomanometers	2	—	2
Totals	291	280	11

47,199 yards of thread and 190 feet of gold leaf were measured; 5 cards having circular openings of various sizes for apple and onion grading were measured for the Department of Agriculture; precise weight of 5 bullets was determined for the Department of Public Safety; 4 scale pans with rods, 8 avoirdupois weights

and 18 metric weights were tested to determine precise weight for Massachusetts Institute of Technology. In addition to the foregoing items, 37 packages of cereals and 5 packages of popcorn were reweighed to determine quantity of contents.

FIELD WORK OF INSPECTORS.

The inspectors' duties include instruction of sealers of weights and measures and general supervision of their work. There was an unusual number of changes during the year caused by deaths, resignations and removals of former sealers and much time was required for the instruction of the new appointees.

Many violations of law were discovered in various sections of the State and warning given in cases where the violations resulted from ignorance or inattention. There were 41 violations which appeared to warrant court action. These prosecutions were invariably conducted by the inspectors, one of whom is a member of the bar and who, when necessary, assists in the prosecution of complaints involving extraordinary legal complications. In the enforcement of the hawkers' and pedlers' license law there were 15 prosecutions for peddling without license, 2 for permitting minors to peddle without license, and 1 for failure to have license number plates attached to vehicle used in peddling.

Under the Coal Law, enacted at the last session of the Legislature, the inspectors, by themselves and in cooperation with sealers of weights and measures, have secured a number of samples of coal for analysis by the Department of Public Health. They have also successfully prosecuted 3 cases in which short weight was given in the sale of coal besides assisting several sealers in making similar prosecutions.

Both State and Federal laws require a statement of quantity of contents upon food packages. Cooperation in the inspection of such packages was frequently requested by the United States Food and Drugs Division. Such inspections make possible the uniform enforcement of State and Federal laws, and the requested cooperation has at all times been freely given.

Although much of the work performed by the inspectors is of such a nature that its results cannot be expressed in figures the following compilation may be of interest.

Number of Inspections. — Coal wagons (weighers' certificates, etc.), 24; Factories (measuring machines, etc.), 29; Gasoline pumps, 547; Ice wagons, 19; Net weight markings, 56; Package reweighings, 83; Pedlers, 364; Stores, 1,553; Transient vendors, 41. Total, 2,716.

Weighing and Measuring Devices. — Sealed, 8,705; Unsealed, 2,155. Total number inspected, 10,860. Accurate, 3,382; Inaccurate, 586. Total number tested, 3,968.

Reweighings.

COMMODITY.	Number of reweighings.	Correct.	Under.	Over.
Packages	3,313	1,438	1,076	799
Coal (loads)	24	1	9	14
Coal (in bags)	342	62	97	183
Ice	19	—	16	3
Totals	3,698	1,501	1,198	999

State Institutions.

ARTICLE.	Adjusted.	Sealed.	Condemned.
Scales	68	654	89
Weights	161	2,809	94
Measures	—	17	—
Pumps	—	9	1
Totals	229	3,489	184

Miscellaneous. — Complaints investigated, 11; Leather measurers examined, 48; Prosecutions, 42. 40 scales were tested at Worcester Postal Stations at request of Worcester Postmaster.

OFFICE WORK.

Hearings were given by the Director to 75 persons, firms or corporations charged with violation of the law requiring a statement of quantity upon packages containing foods, or of the regulations relative to weights of bread. The sum of \$96,410.04 was received, mainly from fees for various classes of licenses and for surveys of lumber; and cash and surety bonds amounting to \$104,500 were deposited by applicants for transient vendors' licenses, to be subject to legal proceedings on account of claims arising in connection with the business conducted under such licenses. A complete statement of these financial transactions is included in this report.

Beside the general enforcement of laws relating to weights and measures, the following other specific statutory duties and responsibilities of the Director necessitated frequent interviews, conferences and hearings upon the subjects involved:—

Authorization of manufacturers of milk or cream jars, graduated glass measures, clinical thermometers, wholesale milk containers, and cans, moulds, and other containers for ice cream, to seal their products as correct, under certain conditions, and to revoke such authorization for cause; issuance of certificates of fitness to applicants for appointment as leather measurers and revocation of such certificates for cause; making rules and regulations necessary to secure accuracy in the use of leather-measuring devices; establishment of such variations, tolerances and exemptions as he may deem expedient in the administration of the statutory requirement for marking quantity of food in packages; prescribing rules and regulations necessary for the enforcement of the statute governing weights of bread; appointment of employees of state institutions or departments as special deputies to check the receipt and disbursement of supplies; issuance of hawkers' and pedlers' and transient vendors' licenses and revocation of such licenses for cause; approval of shape and dimensions of paper or fiber containers used in the sale of ice cream or other viscous or semi-solid commodities by measure; approval of certain types of automatic vending machines; assisting manufacturers in the standardization of their products; determining the accuracy of weights, measures or other instruments or mechanical devices used for determining wages or compensation for labor; establishing and defining, with the approval of the Commissioner, grades and kinds of lumber and fees for the survey and measurement thereof, and also in like manner to establish units of measurements to be observed in the sale of wooden shingles; and to make such rules and regulations as he deems necessary to secure accuracy in taximeters or other devices used upon vehicles to determine cost of transportation.

The importance of rules and regulations governing the use of taximeters and similar devices increases from year to year. For a long time the use of such devices was confined to the city of Boston, while at present they are in general use in cities where taxicab service is maintained. Rules and regulations have been prepared and promulgated which provide for the location, marking and lighting of such devices, form of transmission and method of wheel attachment, and uniform methods of testing and sealing.

LICENSES.

There were 2,885 hawkers' and pedlers' licenses issued, an increase of 80 over the previous year. This number comprised 1,181 State, 405 county, 614 city, and 685 town licenses; the fees received for the three classes of licenses last-mentioned being paid over to the treasurers of the various counties, cities and towns, after deducting one dollar from every such license fee for the use of the Commonwealth. There were also 209 free licenses issued to disabled veterans of the World War, a decrease of 35 as compared with the number issued in 1922. Upon application of the original licensees, 305 licenses were transferred to other parties without charge for the transfer. The total number of transient vendors' licenses was 209, an increase of 36 over the previous year.

LOCAL SEALERS OF WEIGHTS AND MEASURES.

Section 37, Chapter 98, General Laws, requires all sealers of weights and measures to make an annual report to the Director. Following is a summary of their work

as compiled from these reports. The sealers for the towns of Boxford, Gay Head, Manchester, Oak Bluffs, Saugus, Sherborn and Windsor have failed to comply with this statutory requirement; and the work, if any, performed by them is necessarily omitted from this compilation. This being the third consecutive year in which the sealer for Boxford has failed to render a report, the selectmen have been requested to take such steps as may be necessary to ensure to the residents of that town the protection afforded by proper enforcement of the weights and measures laws.

With the above exceptions, sealers in general appear to realize their responsibilities, although the value of their service is far greater than might be assumed from the compensation received. In the cities, and in towns having a population of 10,000, the position of sealer is included in the classified civil service and the permanency of tenure thus assured is generally reflected in the character of service rendered. In several of the other towns, changes are of frequent occurrence and an inspector of standards must spend considerable time in the instruction of each new appointee. Such frequent changes entail an unwarranted expense on the commonwealth without materially improving conditions in the towns affected. Extension of the civil service to cover sealers in towns of less than 10,000 inhabitants, or provision for appointment of county sealers to cover the smaller towns in each county, may be necessary for the correction of these conditions.

SUMMARY OF WORK PERFORMED BY LOCAL SEALERS.

ARTICLE.	Adjusted.	Sealed.	Nonsealed.	Con- demned.
<i>Scales.</i>				
Platform (5,000 pounds and over)	505	3,137	62	211
Platform (100 to 5,000 pounds)	5,497	25,173	893	1,037
Counter (100 pounds or over)	372	3,255	71	56
Counter (under 100 pounds)	2,272	17,862	551	506
Beam (100 pounds or over)	202	1,625	46	116
Beam (under 100 pounds)	156	1,185	15	43
Spring (100 pounds or over)	233	4,232	23	575
Spring (under 100 pounds)	3,693	25,431	157	1,575
Computing (100 pounds or over)	204	1,116	17	48
Computing (under 100 pounds)	3,397	18,618	106	1,380
Personal weighing (slot)	145	2,465	14	187
Prescription	136	1,593	74	46
Jewelers'	5	143	8	4
Miscellaneous	27	49	—	—
Totals	16,844	105,884	2,037	5,784
<i>Weights.</i>				
Avoirdupois	15,311	131,913	1,414	1,056
Apothecary	516	18,630	362	756
Metric	159	8,086	269	139
Troy	198	2,339	84	24
Totals	16,184	160,968	2,129	1,975
<i>Measures.</i>				
Dry	18	1,676	8	89
Liquid	267	37,466	94	933
Yard measures	182	9,320	—	336
Tapes	—	134	—	1
Milk jars	—	634	—	3
Glass graduates	—	590	—	216
Ice-cream cans	19	5,271	107	117
Fuel baskets	—	1,767	—	64
Totals	486	56,858	209	1,759

SUMMARY OF WORK PERFORMED BY LOCAL SEALERS— *Concluded.*

ARTICLE.	Adjusted.	Sealed.	Nonsealed.	Con- demned.
<i>Automatic Measuring Devices.</i>				
Gasoline pumps	2,205	8,531	144	668
Oil Pumps (lubricating, etc.) . . .	190	1,408	274	40
Quantity stops (on measuring pumps)	2,880	36,239	104	44
Molasses pumps	14	780	164	67
Cloth-measuring devices	—	656	8	54
Measuring machines (leather, etc.) .	—	414	3	13
Taximeters	2,046	1,491	187	196
Kerosene pumps	219	2,918	393	168
Gasoline meters	16	243	—	10
Totals	7,570	52,680	1,277	1,260
Grand totals	41,084	376,390	5,652	10,778

Reweighings.

COMMODITY.	Number of reweighings.	Correct.	Over.	Under.
Coal (loads)	1,253	413	525	315
Miscellaneous	158,254	124,405	19,094	14,755
Totals	159,507	124,818	19,619	15,070

Prosecutions.

NATURE OF COMPLAINT.	Number of Complaints.	Convicted.	Discharged.	Pleaded No. Fault.	Filed.	Sentence suspended.	Defaulted.	Amount of Fines.
Giving insufficient weight of coal	83	71	6	—	4	—	3	\$2,469
Fraud and deceit in sale of coal	8	7	—	1	—	—	—	765
Selling coal unfit for use	5	4	1	—	—	—	—	100
Sale of coke and kindling wood in improperly marked bags	4	3	1	—	1	—	—	55
Giving insufficient measure of firewood	9	7	2	—	—	—	—	155
Giving insufficient weight of ice	22	18	3	—	1	—	1	240
Giving insufficient measure of ice cream	3	2	1	—	—	—	—	50
Giving insufficient weight of bread	1	1	—	—	—	—	—	10
Improper marking of bread of other than standard weights	4	4	—	—	1	—	—	60
Possession of false scales, etc.	17	13	1	1	3	—	2	255
Peddling without license	39	27	5	—	4	—	—	470
Violation of transient vendors' license law	2	2	—	—	—	—	—	50
Miscellaneous violations of weights & meas- ures laws	56	49	3	1	6	5	1	860
Totals	253	208	23	3	20	5	7	\$5,539

In addition to the fines reported, 4 defendants received suspended sentences to the House of Correction, 3 were held for the Grand Jury, and 13 were required to make restitution in varying amounts.

LUMBER SURVEY.

Under the existing statute official determinations of grades and kinds of lumber are made only upon application of interested parties to whom are charged the surveying fees and all other expenses involved. Unofficial surveys are made, however, by groups or individuals employed, in some cases permanently, and in others temporarily, by the lumber dealers for whom such surveys are made. All official surveys are made under the direction of the Director of Standards, the statute requiring that the surveyors be employed temporarily, from time to time—As previously indicated in this report, under the heading “Legislation Recom-

mended", this limitation of employment of surveyors has tended to create such a condition as to make the continuance of this service a debatable question. One after another surveyors have resigned their official positions in order to engage in more constant private employment until but two remain, while the quantity of lumber surveyed during the year has been but little more than half as great as that of the preceding year.

Lumber Surveyed and Measured during the Year ending November 30, 1923 (Unless otherwise specified, figures indicate number of feet, board measure). — Cypress, 482,407; Fir, 213,598; Flooring, 117,427; Hardwood, 1,323,353; Hard pine, 1,225,621; Hemlock, 40,006; Hard pine ties, 16,650;¹ North Carolina pine, 2,846,546; Pine boards, 663,094; Redwood, 65,896; Spruce, 1,332,229; White-wood, 289,196; White pine, 593,403; Yellow pine, 13,171; Pine piles, 1,220.¹ Total amount surveyed and measured, 9,205,947.

FINANCIAL STATEMENTS.

Receipts.

State (hawkers' and pedlers' license fees)	\$59,050 00
City (hawkers' and pedlers' license fees)	15,949 00
Town (hawkers' and pedlers' license fees)	7,355 00
County (hawkers' and pedlers' license fees)	1,840 00
Transient vendors' license fees	5,225 00
Interest on deposits	161 11
Total receipts from license fees	\$89,580 11
Receipts from fees for testing clinical thermometers	674 75
Sale of standards	3 00
Sale of thermometer cases	4 00
Reimbursement — damage to auto	15 55
Badge accumulation	600 00
Transient vendor's license not issued	25 00
Total	\$90,902 41

Payments to State Treasurer.

State license fees	\$59,050 00
City license fees	614 00
Town license fees	685 00
County license fees	405 00
Transient vendors' fees	5,225 00
Interest:	
On deposit	\$62 85
Other funds	98 26
	\$66,140 11
Fees for testing clinical thermometers	674 75
Sale of standards	3 00
Sale of thermometer cases	4 00
Reimbursement — damage to auto	15 55
Badge accumulation	600 00
Transient vendor's license not issued	25 00
Total payments to State Treasurer	\$67,462 41

¹ Number of pieces surveyed.

Payments to City, Town and County Treasurers on Account of Hawkers' and Pedlers' Licenses.

Cities	\$15,335 00
Towns	6,670 00
Counties	1,435 00
Total	<u>\$23,440 00</u>

Summary.

Appropriation personal services	\$22,650 00
Expended	21,483 67
	<u>\$1,166 33</u>
Appropriation general expenses	\$11,825 00
Expended	10,651 46
	<u>1,173 54</u>
Unexpended balance	\$2,339 87
Total income from licenses, interest and fees for clinical thermometers, etc.	\$67,462 41 ¹
Total expenditures (exclusive of lumber survey)	<u>32,135 13</u>
Excess of income over expenditures	\$35,327 28

Account of Lumber Survey.

Received for fees and expenses for lumber surveys (including \$329.44 bills receivable November 30, 1922)	\$5,506 54
Received for interest on deposits	1 09
Total paid to State Treasurer	<u>\$5,507 63</u>

Condition for Year ending November 30, 1923.

Surveyors' Personal Services	\$5,791 04
General Expenses	484 27
	<u>\$6,275 31</u>
Less:	
Fees and expenses paid	\$5,177 10
Bills receivable Nov. 30, 1923	146 37
Interest	1 09
	<u>5,324 56</u>
Deficit for the year	<u><u>\$950 75</u></u>

Summary:

Appropriation for Personal Services	\$26,200 00
Expended	5,791 04
	<u>\$20,408 96</u>
Appropriation for General Expenses	\$3,575 00
Expended	484 27
	<u>3,090 73</u>
Unexpended balance	\$23,499 69

Résumé.

Total payments to State Treasurer	\$72,970 04
Total expenditures	<u>38,410 44</u>
Excess of income over expenditures after deducting lumber deficit	\$34,559 60

¹ This does not include the sum of \$23,440 received as fees for hawkers' and pedlers' licenses and paid over to the treasurers of counties, cities and towns for which these licenses were issued.

RETROSPECT.

On December 1, 1919, in the consolidation of departments required by chapter 350 of the acts of that year, the branch of the public service theretofore comprehended in the office of Commissioner of Standards ceased to exist as a separate unit and became a division of the newly-organized Department of Labor and Industries. As the chief purpose of the general consolidation was to afford an opportunity for greater economy and efficiency of administration; and, as four years have now elapsed since the reorganization was effected, the following comparative financial statements covering the years 1919 and 1923 may be of interest. Figures relative to lumber survey are excluded as this service was rendered through a different agency previous to the consolidation.

	1919.	1923.	Increase.
Number of inspectors employed	7	8	1
Number of clerical employees	3	4	1
Number of laboratory employees	1	1	—
Motor vehicles owned	4	5	1
Paid for inspectors' salaries	\$9,907 66	\$14,253 67	\$4,346 01
Paid clerical and laboratory employees	\$3,511 95	\$5,430 00	\$1,918 05
Number of hawkers' and pedlers' licenses issued	1,560	3,094	1,534
Number of transient vendors' licenses issued	31	209	178
Total expenditures	\$25,778 54	\$32,135 13	\$6,356 59
Received from license fees and other sources and paid to Treasurer of the Commonwealth	\$30,590 90	\$67,462 41	\$36,871 51
Received from hawkers' and pedlers' licenses and paid to treasurers of counties, cities and towns	\$10,578 00	\$23,440 00	\$12,682 00
Excess of income over expenditures	\$4,812 36	\$35,327 28	\$30,514 92

REPORT OF THE DIVISION OF STATISTICS.

ROSSELL F. PHELPS, *Director*.

The work of the Division during the year ending November 30, 1923 is here discussed under four principal headings as follows:

1. Statistics of Labor.
2. Statistics of Manufactures.
3. Public Employment Offices.
4. Information Service.

1. STATISTICS OF LABOR.

The statistics of labor collected by the Division are published in the "Annual Report on the Statistics of Labor" issued, in the first instance as "Labor Bulletins," which at the close of the year are bound together as "Parts" of the Annual Report. In the "Massachusetts Industrial Review" and in news letters issued to the press from time to time, information of current industrial interest is made public.

Annual Report on the Statistics of Labor (Public Document No. 15).

This report for the year 1923 consists of three "Parts," each previously issued separately as "Labor Bulletins." The titles of the three parts are as follows:

- Part I. Thirteenth Annual Report on Union Scale of Wages and Hours of Labor in Massachusetts, 1922 (Labor Bulletin No. 138).
- Part II. Twenty-second Annual Directory of Labor Organizations in Massachusetts, 1923 (Labor Bulletin No. 139).
- Part III. Statistics of Labor Organizations in Massachusetts, 1921 and 1922 (Labor Bulletin No. 140).

The subject matter of each of these "Parts" is indicated by its title. A brief statement with reference to the sources from which the information was obtained and to other important facts should, however, appear in this connection. A considerable part of the information presented in the report on Union Scale of Wages and Hours of Labor was obtained from trade union officials. All local labor organizations in Massachusetts were canvassed for data as of July 1, 1922. The information thus obtained was supplemented by data furnished by Federal and municipal officials, by officials of the steam railroads, street railways, and the telephone company operating within the State, and also by employers in certain other industries and trades covered. The preparation of this report made necessary considerable correspondence, and the field agents of the Division were extensively employed in securing the information. The data are presented by industries, trades and occupations and by the municipalities represented under the several trades and occupations. In connection with the collection of this information the Division obtained for the Federal Bureau of Labor Statistics, in Boston, Fall River, Springfield and Worcester similar data which were included in a nationwide study by the Federal Bureau.

The general canvass for information published in the Directory of Labor Organizations (Part II) was undertaken early in 1923. All national and international organizations known to be in existence in the United States were requested to furnish this office with a list of their affiliated locals in Massachusetts, if any, together with the names and addresses of the local secretaries. Similar data were obtained from the state, district, and trades councils and the central labor unions and local councils in Massachusetts. Each known local was also canvassed in order to obtain particulars to be published in the Directory. The collection of the returns and the preparation and printing of the Directory necessarily covered a period of several months, but corrections were made, even in the proof, in order that the Directory should, so far as possible, be up to date at the time of its publication in July, 1923. The data presented in the third "Part" of the report relate principally to the number and membership of labor organizations in existence at the close of the year 1922. Comparable data for previous years are presented for the purpose of indicating the extent to which there was a change in the number of unions and in union membership during the several years covered by the report. The information was secured for the most part by mail from officials of local labor organizations in Massachusetts. In those instances where the local officials failed to return the schedules sent them, field agents of the Division obtained the information from such officials directly or from some other reliable source.

Massachusetts Industrial Review.

The first number of this Review was issued in 1920, superseding the "Quarterly Report on Employment in Massachusetts" which was published by the Massachusetts Bureau of Statistics during the years 1908-1919, inclusive. In all, 11 numbers of the Review have been issued. It was intended that the Review should be published quarterly, but during the year 1923 its publication was temporarily suspended and only two numbers were issued during the year. These numbers contained, as regular articles covering specified periods, general summaries of industrial conditions in the principal industries and municipalities; accounts of the more important labor disputes; data relative to employment and earnings of wage-earners in representative manufacturing establishments; statistics relative to building permits issued in Massachusetts cities; data relative to unemployment of organized wage-earners; and records showing the operations of the four State Employment Offices. In addition to these regular articles the following special articles were included:

No. 10 (March, 1923): Union Rates of Wages in the Building Trades in Massachusetts, 1914-1922; Wages and Hours of Labor in the Hosiery and Underwear Manufacturing Industry, 1922.

No. 11 (July, 1923): Review of Labor Disputes, 1922 and 1921; Wage Increases in Industrial Establishments, First Six Months in 1923.

Monthly Surveys and Press Notices.

Building Statistics.—Officials of building departments in the cities of the Commonwealth report monthly to the Division, showing the value represented by applications filed for permits to build in the respective municipalities. The information thus collected is indicative of prospective building. In 1923 a new schedule was adopted and it is now possible to furnish for each month much more interesting data in greater detail by types of buildings, their intended use, and, for housekeeping dwellings, the number of families to be accommodated by new construction. Press notices, summarizing these returns, are issued during the month following that for which the returns are made. These statistics have been much sought after and newspapers and trade publications have used them freely. Periodical summaries of the returns are published in detail in the "Massachusetts Industrial Review," with comparable data for previous months.

Employment and Earnings.—The plan, adopted in September, 1922, of collecting pay-roll data from representative manufacturing establishments in Massachusetts for one week in each month of the year, has met with gratifying success. In November, 1923 comparable returns were received from 837 manufacturing establishments which normally employ about 35 per cent of the number of wage-earners in the manufacturing industries in the State. The information is presented by major industries and also by leading industrial cities. In addition to securing the aggregate weekly pay-roll and the number of employees thereon, the employers are requested to report relative to the operating schedules in effect during the week specified and the nature of any wage adjustment made during the preceding month. These data are incorporated in press notices released within a very short time after their collection and serve as an important industrial barometer, indicating the trend of employment and earnings of employees in the principal manufacturing industries. Three series of index numbers, using the data for September, 1922 as a base, have been derived. These index numbers for the entire period during which data of this character have been collected are as follows:

Index Numbers—Employment and Earnings of Wage-earners in Representative Manufacturing Establishments in Massachusetts.

[September, 1922=100.]

YEAR AND MONTH.	INDEX NUMBERS.		
	Number on Pay Roll.	Total Pay Roll.	Average Weekly Earnings.
1922			
September	100.0	100.0	100.0
October	101.9	97.4	95.6
November	105.1	108.2	103.1
December	104.4	109.1	104.5
1923			
January	105.3	112.6	106.8
February	104.9	112.9	107.5
March	105.5	115.7	109.5
April	104.3	113.5	108.6
May	104.1	124.3	114.6
June	101.7	120.8	113.9
July	99.8	116.9	112.3
August	99.4	114.1	110.0
September	98.9	117.6	114.1
October	100.7	117.1	111.7
November	99.2	114.2	110.6
December	96.9	114.1	113.1

Much interest in the results of this monthly survey has been manifested by the reporting agencies, employers' associations, business research organizations, and individuals. The data are made public promptly in "news releases" which are reviewed in the press and are published in considerable detail in business and trade periodicals, among the more important of which are the monthly report of the Boston Federal Reserve Bank, "Industry" (Associated Industries of Massa-

chusetts) and the "Commercial Bulletin" (Boston). The index numbers are also furnished each month for publication in the "Survey of Current Business", issued monthly by the United States Department of Commerce.

In making this monthly survey the State Department is co-operating with the United States Bureau of Labor Statistics, thereby avoiding duplication of work by two government agencies in the collection of reports of this character. The information is obtained, in the first instance, by this Department which has been granted the franking privilege for this purpose, and copies of the original reports are furnished to the Federal Bureau for its use, in connection with similar data for other States, in compiling a report for the entire country. The list of manufacturing establishments canvassed has been increased so that the reports are now believed to be thoroughly representative for the manufacturing industries, and arrangements are being made to extend the survey by including industries other than manufacturing (such as building, road construction, and wholesale and retail trade), thus eventually bringing the entire industrial field in this State within the scope of the monthly survey.

Several other important industrial States are also co-operating with the Federal Bureau of Labor Statistics in the collection and publication of monthly data of this character. Among these are New York, Illinois, Wisconsin and Maryland. The Federal Reserve Bank of Philadelphia likewise collects similar information in Pennsylvania, New Jersey and Delaware, co-operating with the Pennsylvania Department of Labor, in the collection and publication of the data for that State.

In all of these states the monthly surveys are conducted in accordance with a "standard plan" recommended by the "Committee on Governmental Labor Statistics" which was appointed by the American Statistical Association, working in co-operation with the Russell Sage Foundation and other economic and statistical organizations. The Director of Statistics, representing the Commissioner of Labor and Industries, is a member of the Committee, and meets with the Committee twice each year at its conferences which are held in New York City.

The "standard plan" proposed by the Committee is under consideration by other states, and it is hoped that, in the near future, all of the industrial states will co-operate with the Federal Bureau of Labor Statistics in this work so that there will be available monthly data relative to employment and earnings for practically the entire country, presented by states and major industries on a uniform basis, thereby making possible direct and trustworthy comparisons of the trends of employment and earnings in the principal industries in various sections of the country. It is highly important that each state should have current records of industrial conditions within its own borders; it is hardly less important for the welfare of its industries that men of affairs should have a knowledge of the conditions in the same or closely related industries in other states.

Record of Industrial Disputes.

A current record of industrial disputes is kept by the Division primarily for the use of the State Board of Conciliation and Arbitration. Information concerning disputes is obtained from a number of sources, including reports made directly to the Board by municipal authorities as required by law, press clippings from newspapers and labor and trade journals, reports from officials of labor organizations and from field agents and industrial inspectors employed in the Department. The information thus secured is used in the preparation of quarterly and annual articles which appear in the "Massachusetts Industrial Review", with brief accounts of the important strikes and lockouts. The records show that during the year 1923 there occurred in Massachusetts 143 strikes and lockouts, in which 44,350 employees were directly or indirectly involved, as compared with 147 disputes during the year 1922, affecting about 36,400 employees. By far the greater number of controversies in 1923, as in 1922, had, as the principal issue, the question of wage increases.

2. STATISTICS OF MANUFACTURES.

Annual Reports on the Statistics of Manufactures (Public Document No. 36).

Report for 1921.—The census of manufactures in Massachusetts for the year 1921 was taken by the Department in co-operation with the Federal Bureau of

the Census, thereby avoiding duplication of a considerable amount of field and office work. The original tabulations were, for the most part, made at Washington and copies of the result sheets were furnished to the State Department. Certain additional data not called for on the Federal schedules were obtained and tabulated by the State office. The results of this Census have been published in summary form and have been furnished to chambers of commerce in Massachusetts and to numerous inquirers. Copy for the report has been prepared and the complete report will be issued in print for permanent record in the near future.

Report for 1922.—The census of manufactures in Massachusetts for 1922 was taken during the current year by the State Department, independently of the Federal Census Bureau which takes the census of manufactures for the entire country biennially in odd years. The field work in connection with this State census was completed in October and summaries of the results have already been made public. The principal data for 1922 are presented in the following table, together with corresponding totals for the years 1921 and 1920.

Principal Data for All Manufacturing Establishments in Massachusetts.

ITEMS.	1922.	1921.	1920.
Number of establishments ¹	10,056	9,984	10,262
Capital invested ²	\$2,822,014,756	— ³	\$2,987,620,867
Value of products ²	\$3,002,625,958	\$2,849,413,516	\$4,370,276,822
Cost of stock and materials used ²	\$1,512,510,105	\$1,441,035,230	\$2,489,237,446
Total wages paid to employees	\$678,065,306	\$641,360,936	\$891,176,822
Average number of wage-earners	612,682	579,071	695,832
Average yearly earnings of wage-earners ²	\$1,106.72	\$1,107.57	\$1,280.74

Data relative to wages paid to employees, as reported for the week of *maximum* employment during the year 1922, are briefly summarized in the following table. These data covered 716,032 wage-earners, of whom 64.8 per cent were adult males, 28.8 per cent were adult females, and 6.4 per cent were young persons under 18 years of age.

Number of Wage-Earners in Manufacturing Industries, Classified by Wage-Groups.

CLASSIFICATION.	TOTAL NUMBER OF WAGE-EARNERS REPRESENTED.	NUMBER OF WAGE-EARNERS RECEIVING:—		
		Under \$15 per Week.	\$15 but under \$25 per Week.	\$25 and Over per Week.
Total	716,032	119,027	351,486	245,519
Adults:	670,283	83,847	341,239	245,197
Men	464,268	20,209	217,988	226,071
Women	206,015	63,638	123,251	19,126
Young persons under 18	45,749	35,180	10,247	322

The reports were for the week of *maximum* employment in each establishment. The *average* number employed in all establishments during the year was 612,558.

Census of Power Laundries.

While power laundries are not, strictly speaking, manufacturing establishments but perform a "service function," their importance in the business life of the community appears to justify the annual collection and tabulation of statistics with reference to their operation, as in the case of manufacturing establishments. The total number of power laundries from which reports were obtained in 1922 was 337, which did not include Chinese or other hand laundries or laundries in

¹ Very small establishments in which no persons were employed other than the owners or proprietors, or in which the value of goods manufactured during the year was less than \$5,000 were omitted from consideration. Such establishments together represented less than one-half of one per cent of the aggregate value of goods produced by all manufacturing establishments in the State in each of the three years for which data are here given.

² Where *values* are expressed in dollars due allowance should be made for changes in prices from year to year in order to determine the relative *volume* of products and of stock and materials and the *real* value of the earnings of employees.

³ No data available.

hotels or those connected with educational or other institutions. The total number of wage-earners employed in these 337 power laundries was 7,237, of whom 2,865 were males and 4,372 were females.

Directory of Manufacturing Establishments.

During the year a complete directory of manufacturing establishments in Massachusetts, containing the names of all manufacturing establishments in the Commonwealth classified (1) by industry and (2) by location of establishment was prepared but not published. It is being brought up to date, ready to be published by the Department in 1924, if deemed advisable. There has been no official directory of manufactures published by the Commonwealth since the year 1913. Many requests for lists of manufacturing establishments in the State are received by the Department and these are furnished in typewritten form whenever this can be done without interrupting the regular work of the Division. In some instances where a considerable amount of clerical work would be necessary in order to prepare the lists, the inquirers are granted permission to copy the names and addresses of establishments from the card index which is kept up to date in so far as this is possible. In some instances temporary clerks are employed to transcribe the information desired, and the cost of such clerical work is paid by the inquirer.

3. PUBLIC EMPLOYMENT OFFICES.

Summary. — During the year 1923 four public employment offices were maintained by the Commonwealth. Two of these offices are in Boston, one is in Springfield, and one is in Worcester. The offices are administered by the Commissioner of Labor and Industries, and are under the supervision of the Director of Statistics. At each office there is a local superintendent in charge. In the following table the principal data relative to the work of these offices during the year 1923 are presented, with corresponding data for the year 1922.

Summary of Business of the Four State Offices during the Year Ending December 31, 1923, with Comparable Data for 1922.

OFFICES.	1923.			1922.		
	Persons called for by Employers.	Persons referred to Positions.	Positions reported filled.	Persons called for by Employers.	Persons referred to Positions.	Positions reported filled.
Boston — Main Office	19,050	26,343	14,882	17,772	23,367	13,244
Boston — Mercantile Office	1,929	4,400	1,782	1,787	3,103	1,408
Springfield Office	17,298	17,012	13,677	18,249	18,125	13,968
Worcester Office	12,136	12,308	9,703	12,504	13,279	9,849
Totals — Four Offices	50,413	60,072	40,044	50,312	57,874	38,469

The service rendered to employers and to applicants for employment is best measured by the number of positions reported filled. The total number of positions reported filled by the four offices in 1923 was 40,044. This was the largest number recorded in any year except 1916 since the first of the offices, that in Boston, was established in 1906. The number of positions reported filled in 1923 exceeded the corresponding number (38,469) in 1922 by 4.1 per cent. The increase noted may be attributed wholly to the two offices in Boston, because the number of positions reported filled by the Springfield and Worcester offices was somewhat less in each case than the corresponding number of positions reported filled by these respective offices in 1922.

The total number of persons called for by employers during the year 1923, was 50,413, as compared with 50,312, showing a gain of less than two-tenths of one per cent. The extent to which the employers' orders were filled in 1923 is indicated by the fact that of the 50,413 persons called for by employers during the year, 40,044, or 79.4 per cent, were supplied, as compared with 76.4 per cent in 1922.

Cost of Operation. — During the fiscal year ending November 30, 1923 the total expenditures on account of the maintenance of the four offices amounted to

\$61,959.52 (including \$301, estimated, for outstanding bills for printing). Based on the total expenditures on account of the four offices, considered as a group, the per capita cost of placements in 1923 was \$1.55, as compared with \$1.62 in 1922 and \$1.95 in 1921. In computing the per capita cost of placements made by the offices, the expenses for rent, telephone service, light, janitors' services are included in the cost of operation. Those persons only who have been definitely reported as engaged by the employers to whom they were referred have been reported as "placed". It is quite probable that a fairly large number of applicants for employment who have been referred to employers have been hired, but in the absence of any notification to that effect, such applicants for employment have not been recorded as "persons placed".

Relocation of the Worcester Office.

The Worcester office which, since its establishment on September 15, 1913, had been located at 48-52 Green Street, was removed on October 15, 1923 to 37-39 Waldo Street. The new location is nearer the business center of the city than that on Green Street and will afford opportunity for greater service both to employers and persons seeking employment. A saving of \$50 per month in rental was effected by the change. The floor space now occupied by the office is somewhat less than that occupied at the former location but its lay-out is better suited to the requirements. The space has been divided by the erection of glass partitions to provide separate divisions for men and women. A third portion of the space has been set off for the use of the Superintendent and clerks. Separate entrances for male and female applicants for positions are provided.

Co-operation with the United States Employment Service.

The Department continued to co-operate during the past year with the United States Employment Service. In addition to administering the four public employment offices under the direction of the Commissioner of Labor and Industries, the Director of the Division of Statistics has served as Assistant Federal Director of the United States Employment Service, and, with the approval of the Commissioner, has co-operated with nine other offices which were engaged in placement work during the year. These co-operating offices are as follows:

- Boston: City of Boston Employment Bureau (City Hall).
American Legion Employment Bureau (State House).
Boston Urban League.
Young Men's Christian Association.
- Fitchburg: American Legion, Post No. 10.
- Framingham: Civic League.
- Lynn: American Legion, Post No. 6.
- Waltham: Chamber of Commerce.
- Westfield: Municipal Employment Bureau (City Hall).

The co-operative agreement which was continued in effect during the past year provided for the payment of the salaries of two Federal employees, one of whom was assigned to work in the Western part of the State and the other of whom has acted as examiner-in-charge of the mercantile office established in Boston in January, 1922. The Federal Bureau also contributed toward the expense on account of the rental of the mercantile office, and granted to the Department the use of the franking privilege in connection with the placement work of the State public employment offices. The total cash contribution by the Federal Bureau toward placement work in this State, including the salaries of the two Federal employees and the payment on account of rental, was \$4,310, and the saving to the Department as a result of the use of the franking privilege may be estimated as approximately \$800.

4. INFORMATION SERVICE.

The answering of numerous inquiries constitutes an important branch of the work of the Division. These inquiries have reference principally to employment conditions, rates of wages and hours of labor, production in the various manu-

facturing industries, and the cost of living. Some of these make necessary special research or tabulations, the results of which do not appear in the printed reports of the Division.

Two of the employees of the Division are employed in filing material to be used for reference. There are received currently 16 daily newspapers and 48 weekly and 117 monthly publications from which important items relative to labor and industrial topics are clipped and referred to the officials of the Department or filed for future reference. Reports of labor departments in other States and several foreign countries are also filed for reference. A few publications which are of value for research purposes but which are not readily accessible in the State Library are purchased for the use of the officials.

5. APPROPRIATION.

The appropriations authorized for the use of the Division during the fiscal year ending November 30, 1923 amounted to \$113,200. The total expenditures during the year amounted to \$109,162.62 (including outstanding bills, principally for printing reports, estimated at \$4,254.73), leaving an unexpended balance of \$4,037.38. The estimated expenditures for the statistical service during the fiscal year 1924 are the same as the appropriations granted during 1923. Since the estimate was prepared definite arrangements have been made for co-operating with the Federal Bureau of the Census in taking the Annual Census of Manufactures in Massachusetts for the year 1923, and it is believed that, by reason of such co-operation, a saving to the Commonwealth of about \$3,500 on account of special field agents, traveling expenses and postage can be effected.

The total amount requested for the operation of the public employment offices during the next fiscal year is less by \$600 than the total amount appropriated for this purpose in 1923. An additional amount of \$1,000 has been requested to provide for increases in salaries of employees in these offices and for the employment of one additional employee made necessary by the transfer to the State office in Boston of the employment work formerly conducted in behalf of ex-service men by the American Legion at the State House. By the removal of the Worcester office to a new location a substantial decrease in rental charges has been effected, while at the same time a more central location has been secured for the office in that city. Some replacement of furniture and equipment has necessarily been made at each of the offices during the past year but no large expenditure on this account is anticipated, so that the total expenditures on account of contingent expenses (including rental of the offices) has been estimated at \$1,600 less than was appropriated for this purpose in 1923.

Financial Statement.

	1923 Appropriations.	Expenditures.	Unexpended Balance.	1924 Estimated Expenditures.
Division of Statistics:				
Personal services	\$36,600 00	\$35,341 75	\$1,258 25	\$36,600 00
Expenses	13,000 00	9,695 12 ¹	3,304 88	13,000 00
Total	\$49,600 00	\$45,036 87	\$4,563 13	\$49,600 00
Public Employment Offices:				
Personal services	\$47,000 00	\$45,801 84	\$1,198 16	\$48,000 00
Expenses	16,600 00	15,856 68 ²	743 32	15,000 00
Total	\$63,600 00	\$61,658 52	\$1,941 48	\$63,000 00
Grand Total	\$113,200 00	\$96,695 39 ³	\$6,504 61	\$112,600 00

¹ Not including outstanding bills estimated at \$2,603 73

² Not including outstanding bills estimated at 301 00

³ Not including outstanding bills estimated at 2,904 73



